1 BURCH & CRACCHIOLO, P.A. 702 East Osborn Road, Ste. 200 2 Phoenix, Arizona 85014 Telephone (602) 274-7611 3 Brian Kaven, SBA #003066 bkaven@bcattorneys.com James Stipe, SBA #014666 4 5 istipe@bcattorneys.com Attorneys for Maricopa Sheriff Defendants 6 OLSON, JANTSCH & BAKKER, P.A. 7 7243 N. 16th Street Phoenix, Arizona 85020 8 Telephone (602) 861-2705 Daniel P. Jantsch, SBA #004924 9 dpi@ojbb.com Michael D. Wolver, SBA #012421 10 mdw@ojbb.com Attorneys for Defendants Maricopa County, CHS 11 LAW OFFICES OF RICHARD L. STROHM, P.C. 12 11488 East Caribbean Lane 13 Scottsdale, Arizona 85255 Telephone (480) 889-3521 14 Richard L. Strohm, SBA #004622 15 rlslaw@att.net Attorney for Defendant Betty J. Lewis 16 UNITED STATES DISTRICT COURT 17 DISTRICT OF ARIZONA 18 CAROL ANN AGSTER, personal No. CV 02-1686 PHX-JAT representative of the Estate of 19 CHARLES J. AGSTER, III, deceased; NOTICE OF FILING CHARLES J. AGSTER, JR., and 20 **DEFENDANTS' SEPARATE** CAROL ANN AGSTER, surviving **VERDICT FORMS AND SPECIAL** parents of CHARLES J. AGSTER, III, 21 INTERROGATORIES Plaintiffs, 22 VS. 23 MARICOPA COUNTY, a public entity; MARICOPA COUNTY SHERIFF'S 24 OFFICE, a division of Maricopa County; MARICOPA COUNTY 25 DEPARTMENT OF CORRECTIONAL HEALTH SERVICES, a division of Maricopa County; JOSEPH M. ARPAIO, MARICOPA COUNTY 26 27 SHERIFF; BETTY J. LEWIS, and JOHN DOE LEWIS, her husband; 28 BARUCH A. REUSCH, and JANE

1	DOE REUSCH, his wife, LEAH R.) COMPTON, and JOHN DOE)
2	COMPTON, her husband; KRISTINE) KEMPER, and JOHN DOE KEMPER,
3	her husband; AMANDA S.) GARRISON, and JOHN DOE)
4	GARRISON, and JOHN DOL GARRISON, her husband; SUSAN E.) FISHER, and JOHN DOE FISHER,
5	her husband; RICK NULPH, and) JANE DOE NULPH, his wife;)
6	KATHERINA BROKSCHMIDT, and) JOHN DOE BROKSCHMIDT, her
7	husband; MICHAEL C. WILKINS, and) JANE DOE WILKINS, his wife;
8	LAURA SODEMAN; and JOHN DOE SODEMAN, her husband; JOHN
9	DOES I-X and JANE DOES I-X,
10	Defendants.
11	
12	Pursuant to the Court's Order Set
13	defendants' hereby provide notice of filir
14	special interrogatories by filing them with

Pursuant to the Court's Order Setting Final Pretrial Conference, the defendants' hereby provide notice of filing their separate forms of verdict and special interrogatories by filing them with the Clerk of the Court and e-mailing them to chambers at teilborg_chambers@azd.uscourts.gov.

Defendants' proposed verdict forms are attached hereto as Exhibit "1," and include civil rights and negligence verdict forms. Defendants' proposed special interrogatories are attached hereto as Exhibit "2," and include interrogatories relating to A.R.S. § 12-711, vicarious liability, and drug use.

RESPECTFULLY SUBMITTED this __/ \(\frac{1}{4}\) day of December, 2005.

BURCH & CRACCHIOLO, P.A.

By:

Brian Kaven, SBA #003066, Sames Stipe, SBA #014666

70% ast Osborn Road, Suite 200

Phoenix, Arizona 85014

Attorneys for Maricopa Sheriff Defendants

25

15

16

17

18

19

20

21

22

23

24

26

27

28

OLSON, JANTSCH & BAKKER, P.A. 1 2 By: Daniel P. Jantsch, SBA #004924 3 Michael D. Wolver, SBA #012421 7243 North 16th Street 4 Phoenix, AZ 85020-7250 Attorneys for Defendants 5 Maricopa County and Maricopa County Department of Correctional Health 6 Services (a non-jural entity) 7 LAW OFFICES OF RICHARD L. STROHM, P.C. 8 By: 9 ichard L. Strohm, SBA #00#622 21 East Indian Bend Rd., Suite 128 10 Scottsdale. AZ 85250 Attorneys for Defendant 11 Betty J. Lewis, R.N. 12 ORIGINAL electronically transmitted to the Clerk's Office using the CM/ECF 13 System for filing and transmittal of a Notice of Electronic Filing this 14.60 14 day of December, 2005. 15 COPY of the foregoing delivered this / day of December, 2005, to: 16 Honorable James A. Teilborg 17 **United States District Judge** United States District Court, District of Arizona 18 401 W. Washington Phoenix AZ 85003 19 COPY transmitted electronically on 20 December 9, 2005 to: 21 Honorable James A. Teilborg **United States District Judge** 22 United States District Court, District of Arizona 401 W. Washington 23 Phoenix AZ 85003 24 Michael C. Manning, Esq. Sean B. Berberian, Esq. 25 Stinson Morrison Hecker, LLP 1850 North Central Avenue, Suite 2100 26 Phoenix, AZ 85004-4584 Attorneys for Plaintiffs 27 of man 28

EXHIBIT "1"

CAROL ANN AGSTER, personal representative of the Estate of CHARLES J. AGSTER, III, deceased;))
CHARLES J. AGSTER, Jr., and CAROL ANN AGSTER, surviving parents of	No. CV-02-1686-PHX-JAT
CHARLES J. AGSTER, III, Plaintiffs,)) DEFENDANTS' REQUESTED) VERDICT FORM NO. 1
V.))
MARICOPA COUNTY, a public entity; et al.))
Defendants.)))

With respect to plaintiffs' civil rights claim for excessive force and failure to intercede to stop excessive force against the detention officers, we, the Jury, duly empaneled and sworn in the above entitled action, upon our oaths, do hereby find *(mark one box for each officer)*:

Name of Officer	For the Officer		Against the Officer
Michael Wilkins	For \square	<u>or</u>	Against ☐ and award plaintiffs (circle one letter: A or B): A. Nominal damages OR B. Compensatory damages
Kristine Kemper	For \square	<u>or</u>	Against ☐ and award plaintiffs (circle one letter: A or B): A. Nominal damages OR B. Compensatory damages

Amanda Garrison	For	<u>or</u>	Against ☐ and award plaintiffs (circle one letter: A or B): A. Nominal damages OR B. Compensatory damages
Laura Sodeman	For \square	<u>or</u>	Against □ and award plaintiffs (circle one letter: A or B): A. Nominal damages OR B. Compensatory damages
Leah Compton	For	<u>or</u>	Against ☐ and award plaintiffs (circle one letter: A or B): A. Nominal damages OR B. Compensatory damages
Katherina Brokschmidt	For \square	<u>or</u>	Against ☐ and award plaintiffs (circle one letter: A or B): A. Nominal damages OR B. Compensatory damages
Eric Nulph	For \square	<u>or</u>	Against ☐ and award plaintiffs (circle one letter: A or B): A. Nominal damages OR B. Compensatory damages
Baruch Reusch	For \square	<u>or</u>	Against ☐ and award plaintiffs (circle one letter: A or B): A. Nominal damages OR B. Compensatory damages

Case 2:02-cv-01686-JAT Document 486 Filed 12/14/05 Page 7 of 20

Susan Fisher	For \square	<u>or</u>	Against
SIGNED:			(Foreperson)

CAROL ANN AGSTER, personal representative of the Estate of CHARLES J. AGSTER, III, deceased; CHARLES J. AGSTER, Jr., and CAROL ANN AGSTER, surviving parents of CHARLES J. AGSTER, III, Plaintiffs, V.	No. CV-02-1686-PHX-JAT DEFENDANTS' REQUESTED VERDICT FORM NO. 2		
MARICOPA COUNTY, a public entity; et) al.			
Defendants.			
With respect to plaintiffs' civil rights claim against the Maricopa County Sheriff for deliberate indifference in training on considering medical conditions in determining whether to admit a detainee into the jail, we, the Jury, duly empaneled and sworn in the above entitled action, upon our oaths, do hereby find <i>(mark one box)</i> :			
For the Maricopa Sheriff	Against the Maricopa Sheriff		
For	Against □ and award plaintiffs (circle one letter: A or B): A. Nominal damages OR B. Compensatory damages		

_____ (Foreperson)

SIGNED:

CAROL ANN AGSTER, personal representative of the Estate of CHARLES J. AGSTER, III, deceased; CHARLES J. AGSTER, Jr., and CAROL ANN AGSTER, surviving parents of CHARLES J. AGSTER, III, Plaintiffs, V. MARICOPA COUNTY, a public entity; et al.	No. CV-02-1686-PHX-JAT DEFENDANTS' REQUESTED VERDICT FORM NO. 3
Defendants.	
With respect to plaintiffs' civil rights Sheriff for deliberate indifference in trainin someone in the restraint chair, we, the Jur above entitled action, upon our oaths, do le	ry, duly empaneled and sworn in the
For the Maricopa Sheriff	Against the Maricopa Sheriff
For □ <u>or</u>	Against ☐ and award plaintiffs <i>(circle one letter A or B)</i> : A. Nominal damages OR B. Compensatory damages
SIGNED:	(Foreperson)

CAROL ANN AGSTER, per representative of the Estate CHARLES J. AGSTER, III, CHARLES J. AGSTER, Jr., ANN AGSTER, surviving particles J. AGSTER, III, CHARLES J. AGSTER, III,	of deceased; and CAROL))))) No. CV-02-1686-PHX-JAT)) DEFENDANTS' REQUESTED) VERDICT FORM NO. 4
V.		
MARICOPA COUNTY, a pu al.	blic entity; et)))
	Defendants.))
	mpaneled and	e claim against the Maricopa County sworn in the above entitled action, upon
For the Maricopa She	<u>eriff</u>	Against the Maricopa Sheriff
For 🗆	<u>or</u>	Against □ and award compensatory damages
SIGNED:		(Foreperson)

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

representative of the Estate CHARLES J. AGSTER, III, CHARLES J. AGSTER, Jr. ANN AGSTER, surviving portion of the Estate CHARLES J. AGSTER, III, v.	e of deceased; , and CAROL arents of	No. CV-02-1686 DEFENDANTS' VERDICT FORI	REQUESTED
MARICOPA COUNTY, a pal.	ublic entity; et) Defendants.))))	
We, the Jury,	duly empaneled	and sworn in the a	bove entitled action,
upon our oaths, do hereby	find plaintiffs' fu	ıll compensatory da	mages to be in the
amount of \$	We find the rel	ative degrees of fau	ult for compensatory
damages to be:			
Plaintiff's dece	dent (Charles A	Agster III)	%
Plaintiffs (Card	Plaintiffs (Carol Agster and Charles Agster Jr.)		%
Drug Dealer (E	Drug Dealer (Bob)		%
City of Phoenix	City of Phoenix Police Officers		%
Maricopa Sher	riff and detentio	n officers	%
Maricopa Cou	nty, CHS and N	urse Lewis	%
	тот	AL	100 %
SIGNED:	(Foreperson)		

))
) No. CV-02-1686-PHX-JAT
))
) DEFENDANTS' REQUESTED) VERDICT FORM NO. 6
)
))
)))

With respect to Plaintiffs' civil rights claims against Correctional Health Services of deliberately indifferent policies, customs, training and supervision in considering medical conditions in determining whether to admit or restrain a detainee in jail, we, the Jury, duly empaneled and sworn in the above-entitled action, upon our oaths, do hereby find *(mark one box)*:

Services		Services	
For □	<u>or</u>	Against □ and award plaintiffs (circle one letter: A or B): A. Nominal damages OR B. Compensatory damages	
SIGNED:		(Foreperson)	

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

CAROL ANN AGSTER, representative of the Est CHARLES J. AGSTER, CHARLES J. AGSTER, ANN AGSTER, surviving CHARLES J. AGSTER, v.	iate of) III, deceased;) Jr., and CAROL) g parents of)	No. CV-02-1686-PHX-JAT DEFENDANTS' REQUESTED VERDICT FORM NO. 7
MARICOPA COUNTY, a al.	a public entity; et)))	
	Defendants.))	
	s, we, the Jury, du	claim against Correctional Health by empaneled and sworn in the above- find (mark one box):
For Correctional For Correction For		Against Correctional Health Services and Betty Lewis
For \square	<u>or</u>	Against □ and award compensator damages
SIGNED:		(Foreperson)

CAROL ANN AGSTER, personal representative of the Estate of CHARLES J. AGSTER, III, deceased; CHARLES J. AGSTER, Jr., and CAROL	No. CV-02-1686-PHX-JAT
ANN AGSTER, surviving parents of CHARLES J. AGSTER, III,	
Plaintiffs,	DEFENDANTS' REQUESTED VERDICT FORM NO. 8
v. ()	
MARICOPA COUNTY, a public entity; et) al.	
Defendants.	
	,

With respect to plaintiffs' civil rights claim against Betty Lewis for excessive force, we, the Jury, duly empaneled and sworn in the above entitled action, upon our oaths, do hereby find *(mark one box)*:

For Betty Lewis		Against Betty Lewis	
For	<u>or</u>	Against ☐ and award plaintiffs (circle one letter: A or B): A. Nominal damages OR B. Compensatory damages	
SIGNED:	·	(Foreperson)	

CAROL ANN AGSTER, personal representative of the Estate of CHARLES J. AGSTER, III, deceased;)))) No. CV-02-1686-PHX-JAT
CHARLES J. AGSTER, Jr., and CAROL ANN AGSTER, surviving parents of CHARLES J. AGSTER, III,)))
Plaintiffs,	DEFENDANTS' REQUESTEDVERDICT FORM NO. 9
V.)
MARICOPA COUNTY, a public entity; et al.)))
Defendants.))

With respect to plaintiffs' civil rights claim against Betty Lewis for deliberate indifference in desregarding a substantial risk of harm to Mr. Agster, we, the Jury, duly empaneled and sworn in the above entitled action, upon our oaths, do hereby find *(mark one box)*:

For Betty Lewis		Against Betty Lewis
For \square	<u>or</u>	Against ☐ and award plaintiffs (circle one letter: A or B): A. Nominal damages OR B. Compensatory damages
SIGNED:		(Foreperson)

EXHIBIT "2"

	ne Estate of) TER, III, deceased;) TER, Jr., and CAROL) rviving parents of)	No. C	:V-02-1686-PHX-JA ⁻	Γ
OHANLLO J. AGO	Plaintiffs,)		ENDANTS' REQUES	
V.)	NO. 1		OKI
MARICOPA COUN al.	ITY, a public entity; et)))			
	Defendants.)			
<u> </u>)			
Have	defendants proved that	plaintiffs	decedent Charles A	gster III was
under the influence	e of an intoxicating liquo	r or a dru	ug and as a result of	that
influence he was a	t least fifty percent resp	onsible f	or the accident or ev	ent that
cause him harm?	mark <u>one</u> box)			
	Yes 🗆	<u>or</u>	No 🗆	
SIGNED:		(F	oreperson)	
COMMENT:	A.R.S. § 12-711.			

CAROL ANN AGSTER, personal representative of the Estate of CHARLES J. AGSTER, III, deceased; CHARLES J. AGSTER, Jr., and CAROL ANN AGSTER, surviving parents of CHARLES J. AGSTER, III, Plaintiffs,)	V-02-1686-PHX-JAT NDANTS' REQUESTED)
V.	SPEC	IAL INTERROGATORY	
MARICOPA COUNTY, a public entity; et al.)))		
Defendants.			
Have plaintiffs proved that Nu Maricopa County during the time that plain the Madison Street Jail? (mark one box	ntiffs' dece		
Yes □	<u>or</u>	No 🗆	
SIGNED:	(Fo	oreperson)	
COMMENT: 9 th Circuit <i>Manual of Mo</i> Instruction 6.4 (Agent a		Jury Instructions (2004 E	Edition)

representative of CHARLES J. AG CHARLES J. AG ANN AGSTER, S CHARLES J. AG V.	SSTER, III, deceased;) SSTER, Jr., and CAROL) surviving parents of	DEF	CV-02-1686-PHX-JAT ENDANTS' REQUESTED CIAL INTERROGATORY 3	
that Nurse Lewis Hav	ase answer the following of was an agent of the Shewer plaintiffs proved that Number the Sheriff of Maricopa County at the Madison Street	riff of Ma Irse Lew County a	ricopa County. is was acting within the sc t the time that plaintiffs' de	ope of
	Yes □	<u>or</u>	No □	
SIGNED:		(F	oreperson)	
COMMENT:	9 th Circuit <i>Manual of Mo</i>	odel Civi	l Jury Instructions (2004 E	Edition),

9th Circuit *Manual of Model Civil Jury Instructions* (2004 Edition), Instruction 6.5 (Agent – Scope of Authority Defined).

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

representativ CHARLES J. CHARLES J. ANN AGSTE	AGSTER, personal re of the Estate of AGSTER, III, deceased; AGSTER, Jr., and CAROL R, surviving parents of AGSTER, III,))) No. CV)	-02-1686-PHX-JAT	
	Plaintiffs,	SPECI	IDANTS' REQUEST AL INTERROGATO	
V.	;	NO. 4		
MARICOPA al.	COUNTY, a public entity; et			
	Defendants.))		
	Do you find that decedent, Ch amines and/or other drugs on			s therefore
methamphet	ammes and/or other drugs on	August o	and 7, 2001, and wa	
negligent?	(mark <u>one</u> box)			
	Yes □	<u>or</u>	No □	
SIGNED:		(Foi	reperson)	
COMMENT:	Revised Arizona Jury II Fault 5-11.	nstructions	(Civil) 4 th Edition, In	structions